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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/007,339

10/26/2001

Petr Peterka

018926-006520US

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03/16/2005

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EXAMINER

PERUNGAVOOR, VENKATANARAY

ART UNIT

PAPER NUMBER

2132

DATE MAILED: 03/16/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No. 10/007,339	Applicant(s) PETERKA ET AL.	
	Examiner Venkatanarayanan Perungavoor	Art Unit 2132	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 26 October 2001.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-29 is/are pending in the application.
- 4a) Of the above claim(s) 1-3 and 15-18 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 4-14 and 19-29 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 October 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### *Specifications*

Figure 8 is missing the connecting lines between each step(block).

### *Claim Rejections – 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –  
(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claim 4-5,7-9,19-20,22- rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent 5,159,633 to Nakamura.

Regarding Claim 4,

A method of multicasting comprising: providing program content for multicasting to a plurality of clients[Col 2 Line 32-38]; encrypting a first portion of said program content by utilizing a first key so as to produce an encrypted first portion of said program content[Col 3 Line 6-24]; providing said plurality of clients with said first key[Col 2 Line 41-59]; multicasting said encrypted first portion of said program content to said plurality of clients prior to said plurality of clients indicating an intent to purchase said program content[Col 4 Line 3-8 & Fig 2 item 11].

Regarding Claim 5, Nakamura discloses the allowing the user to view the program content for a measured amount of time see Column 2 Line 60-68.

Regarding Claim 7, Nakamura discloses the having a guaranteed time period during which multicasting occurs where there is no interruptions see Column 2 Line 60-68.

Regarding Claim 8, Nakamura disclose the use of encryption/decryption keys and further mentions transmitting a changed key(second key) and transmitting portions data see Column 3 Line 16-29.

Regarding Claim 9, Nakamura discloses the use of using a key under secret key encryption see Col 2 Line 60-68.

Claim 14, 29 rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent 5,949,411 to Doerr et al.

Regarding Claim 14, Doerr et al. discloses the providing of content to plurality of clients and providing the first time period for purchasing the content, and further disclose the receiving of request see Column 5 Line 10-17 & 35-43. Doerr also discloses the providing of a second time for purchasing after the first time and further receiving and distributing the content after decrypting the content see Column 5 Line 50-65.

Claim 19 is rejected under the same rationale as Claim 4.

Claim 20 is rejected under the same rationale as Claim 5.

Claim 22 is rejected under the same rationale as Claim 7.

Claim 23 is rejected under the same rationale as Claim 8.

Claim 24 is rejected under the same rationale as Claim 9.

Claim 29 is rejected under the same rationale as Claim 14.

***Claim Rejections – 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 6, 10-13, 21, 25-28 rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 5,159,633 to Nakamura in view of U.S. Patent 5,949,411 to Doerr et al.

Regarding Claim 6, Nakamura does not disclose prompting a user to purchase product. However, Doerr et al. discloses the prompting the user to preview the movie see Col 5 Line 10-43. It would be obvious to one having ordinary skill in the art at the time of the invention to modify Doerr's invention of prompting the user to preview the movie to prompting the user to purchase in order to entice the user to purchase the product after he/she has previewed it.

Regarding Claim 10, Nakamura discloses multicasting of the uninterrupted first portion and program content in a guaranteed time period and further discloses the distribution of keys see Column 2 Line 41-59. However, Nakamura does not disclose the estimating and receiving orders from clients. Doerr discloses the estimating and receiving orders from clients see Column 2 Line 43-63. It would be obvious to one having ordinary skill in the art at the time of the invention to include estimating and receiving orders from clients

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in the invention of Nakamura in order to make purchases as taught in Doerr see Col 1  
Line 51-64.

Regarding Claim 11 and Claim 12, Nakamura discloses of adjusting key distribution  
period Col 4 Line 9-55.

Regarding Claim 13, Nakamura discloses the extending of key distribution time.  
However, Nakamura does not disclose the determining the actual number of clients and  
the determining if the actual number is greater than the estimated number. Doerr  
discloses collecting the data regarding the users, and further it is inherent the  
determining if the actual number is greater than estimated number. It would be obvious  
to one having ordinary skill in the art at the time of the invention to include the  
determining the actual number of clients and also determining whether the actual is  
greater than estimated in the invention of Nakamura in order to get detailed report and  
record sales.

Claim 21 is rejected under the same rationale as Claim 6.

Claim 25 is rejected under the same rationale as Claim 10.

Claim 26 is rejected under the same rationale as Claim 11.

Claim 27 is rejected under the same rationale as Claim 12.

Claim 28 is rejected under the same rationale as Claim 13.

*Conclusion*

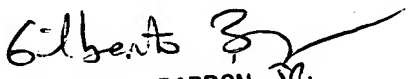
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Venkatanarayanan Perungavoor whose telephone number is 571-272-7213. The examiner can normally be reached on 8-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gilberto Barron can be reached on 571-272-3799. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Venkatanarayanan Perungavoor  
Examiner  
Art Unit 2132

VP  
3/11/2005

  
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